

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY MAGARRELL,

Plaintiff,

No. CIV S-04-2634 LKK DAD P

vs.

P. MANGIS, M.D., et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner represented by counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On December 13, 2005, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within ten days. Plaintiff has not filed objections to the findings and recommendations. However, on January 25, 2006, plaintiff filed a request, which the court is unable to honor as he is represented by counsel. In that request, plaintiff claims that he has been unable to communicate with his attorney. The court will therefore hold the findings and recommendations in abeyance for twenty days to allow counsel to file objections, if appropriate, or for plaintiff to file a motion to substitute to pro per status or to

1 retain alternate counsel.

2 Accordingly, IT IS HEREBY ORDERED that the findings and recommendations, filed  
3 on December 13, 2005, are held in abeyance until February 16, 2006.

4 DATED: January 30, 2006.

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6 /s/Lawrence K. Karlton  
UNITED STATES DISTRICT JUDGE

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